

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MILWAUKEE DRIVERS HEALTH & WELFARE
TRUST FUND, MILWAUKEE DRIVERS PENSION
TRUST FUND and WILLIAM CARROLL
(in his capacity as trustee),

Plaintiffs,

v.

Case No. 10-C-1006

WHITEFISH BAY CLEANERS & TAILORS, INC.,

Defendant.

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

On August 19, 2011, the plaintiffs in this action, Milwaukee Drivers Health & Welfare Trust Fund, Milwaukee Drivers Pension Trust Fund, and William Carroll (in his capacity as trustee) (hereinafter referred to collectively as “Milwaukee Drivers”), filed a motion for summary judgment against the defendant, Whitefish Bay Cleaners & Tailors, Inc. (“Cleaners”). Milwaukee Drivers’ motion was supported by a brief, a set of proposed findings of fact and the affidavit of Attorney John Brennan, together with attachments thereto. In their motion the plaintiffs seek judgment against Cleaners in the principal amount of \$70,279.52, plus attorney fees and costs “to be submitted by affidavit within one week of this filing.” (Plts’ Mot. 2.) Seven day later, on August 26, 2011, Attorney Brennan filed a supplemental affidavit in which he sets forth a statement of costs and fees expended by Milwaukee Drivers “from the filing of the instant lawsuit until the date of the filing of Plaintiffs’ summary judgment submissions.” (Supp. Aff. ¶ 4.) According to Attorney Brennan, “[t]he total attorney fees and costs requested . . . are \$7,965.00.” (Supp. Aff. ¶ 5.)

On August 26, 2011, the defendant filed a “Response of Defendant to Plaintiff’s Motion for Summary Judgment.” In that response, the defendant simply asserts:

1. Plaintiffs filed a Motion for Summary Judgment in the above-captioned case on August 19, 2011.
2. Having reviewed the matter fully with counsel, Defendant states that it has no obligation to and will not oppose granting of Plaintiff’s Motion for Summary Judgment.

(Resp. ¶¶ 1-2.)

Given the foregoing, the plaintiffs’ motion for summary judgment will be granted.

NOW THEREFORE IT IS ORDERED that the plaintiffs’ motion for summary judgment be and hereby is **GRANTED**;

IT IS FURTHER ORDERED that judgment be entered in favor of plaintiffs Milwaukee Drivers Health & Welfare Trust Fund, Milwaukee Drivers Pension Trust Fund, and William Carroll (in his capacity as trustee), and against defendant Whitefish Bay Cleaners & Tailors, Inc. in the amount of \$70,279.52, together with attorney fees and costs in the amount of \$7,965.00, for a total judgment amount of \$78,244.52;

IT IS FURTHER ORDERED that the clerk of court enter judgment accordingly.

SO ORDERED this 14th day of September 2011, at Milwaukee, Wisconsin.

BY THE COURT:

s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge